

Uber, III et al. – Serial No. 09/545582 – Atty. Dkt. No. 071419/0272813

STATUS OF THE CLAIMS

Pursuant to 37 C.F.R. § 1.173(c), the status of the claims pending in the above-captioned patent application is presented below:

| <u>Claim No.</u> | <u>Status</u> | <u>Claim No.</u> | <u>Status</u> | <u>Claim No.</u> | <u>Status</u> |
|------------------|---------------|------------------|---------------|------------------|---------------|
| 1 | Pending | 40 | Pending | 79 | Pending |
| 2 | Pending | 41 | Pending | 80 | Pending |
| 3 | Pending | 42 | Pending | 81 | Pending |
| 4 | Pending | 43 | Pending | 82 | Pending |
| 5 | Pending | 44 | Pending | 83 | Pending |
| 6 | Pending | 45 | Pending | 84 | Pending |
| 7 | Pending | 46 | Pending | 85 | Pending |
| 8 | Pending | 47 | Pending | 86 | Pending |
| 9 | Pending | 48 | Pending | 87 | Pending |
| 10 | Pending | 49 | Pending | 88 | Pending |
| 11 | Pending | 50 | Pending | 89 | Pending |
| 12 | Pending | 51 | Pending | 90 | Pending |
| 13 | Pending | 52 | Pending | 91 | Pending |
| 14 | Pending | 53 | Pending | 92 | Pending |
| 15 | Pending | 54 | Pending | 93 | Pending |
| 16 | Pending | 55 | Pending | 94 | Pending |
| 17 | Pending | 56 | Pending | 95 | Pending |
| 18 | Pending | 57 | Pending | 96 | Pending |
| 19 | Pending | 58 | Pending | 97 | Pending |
| 20 | Pending | 59 | Pending | 98 | Pending |
| 21 | Pending | 60 | Pending | 99 | Pending |
| 22 | Pending | 61 | Pending | 100 | Pending |
| 23 | Pending | 62 | Pending | 101 | Pending |
| 24 | Pending | 63 | Pending | 102 | Pending |
| 25 | Pending | 64 | Pending | 103 | Pending |
| 26 | Pending | 65 | Pending | 104 | Pending |
| 27 | Pending | 66 | Pending | 105 | Pending |
| 28 | Pending | 67 | Pending | 106 | Pending |
| 29 | Pending | 68 | Pending | 107 | Pending |
| 30 | Pending | 69 | Pending | 108 | Pending |
| 31 | Pending | 70 | Pending | 109 | Pending |
| 32 | Pending | 71 | Pending | 110 | Pending |
| 33 | Pending | 72 | Pending | 111 | Pending |
| 34 | Pending | 73 | Pending | 112 | Pending |
| 35 | Pending | 74 | Pending | 113 | Pending |
| 36 | Pending | 75 | Pending | 114 | Pending |
| 37 | Pending | 76 | Pending | 115 | Pending |
| 38 | Pending | 77 | Pending | 116 | Pending |
| 39 | Pending | 78 | Pending | | |

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REMARKS

The remarks to this Second Supplemental Amendment (Third Revision) are divided into several parts as indicated below. These remarks are intended to address the telephone conversation with Examiner Smith on January 11, 2005, the Communication dated September 7, 2004, and other issues identified with respect to the filings of the Preliminary Amendment dated April 7, 2000, the Second Preliminary Amendment dated May 24, 2000, the Supplemental Amendment dated May 13, 2002, and the Second Supplemental Amendment dated September 30, 2002.

The Preliminary Amendment Dated April 7, 2000

In the Preliminary Amendment dated April 7, 2000, claims 1, 7, and 22 were amended. Those amendments are incorporated in the claim listing presented above. Claims 24-34 were added by that amendment.

In the remarks to the Preliminary Amendment dated April 7, 2000, the Applicant stated that support for claims 24-25 could be found at least in col. 2, lines 53-59 and col. 4, lines 1-3 and in Figs. 1 and 2 of the drawings. In addition, the Applicant pointed out that support for claims 26-34 could be found at least in col. 3, lines 42-67 and in col. 4, lines 1-3 and 11-26 of the specification and in Figs. 1 and 2.

In addition, pursuant to 37 C.F.R. § 1.173(c), the Applicant provides the additional recitation of support for the amendments made to claims 1, 7, and 22. In particular, support for the amendment to claim 1 may be found at least at col. 3, line 60 – col. 4, line 10 and in Figs. 1 and 2. Similarly, support for the amendment to claim 7 may be found at least in the same passage from the specification, as well as in Figs. 1 and 2. The amendment to claim 22 is supported at least by the same passage in the specification and both Figs. 1 and 2.

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While the Examiner did not object to the recitation of support for claims 1, 7, 22, and 24-34, the following recitation of support for the claims is provided to address prophylactically the Examiner's communication dated September 7, 2004. It is respectfully submitted that the recitation of support for these claims, as presented below, is not intended to present every instance where the claims are supported by the original application. The additional support is being provided so that the Examiner may proceed with examination of the application without further delay and without further objection.

| <u>Claim Number</u> | <u>Support from the Specification and Drawings</u> | <u>Figures</u> |
|---------------------|--|----------------|
| 24 | Col. 2, lines 53-59; Col. 3, lines 45-46; Col. 4, lines 1-10 | 1; 2 |
| 25 | Col. 2, lines 53-59; Col. 3, lines 44-46; Col. 3, lines 49-51; Col. 3, line 60 – Col. 4, line 10 | 1; 2 |
| 26 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 27 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 28 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 29 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 30 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 31 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 32 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 33 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 34 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |

The Second Preliminary Amendment Dated May 24, 2000

In the Second Preliminary Amendment dated May 25, 2000, none of the claims were amended. Claims 35-62 were added by that amendment.

In the remarks to the Second Preliminary Amendment dated May 24, 2000, the Applicant stated that support for claims 35-62 could be found in the specification, drawings, and original claims. The Examiner did not object to this discussion of support for the new claims.

While the Examiner did not object to the recitation of support for the claims 35-62, the following recitation of support for the claims is provided to address prophylactically the Examiner's communication dated September 7, 2004. It is respectfully submitted that the

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recitation of support for these claims, as presented below, is not intended to present every instance where the claims are supported by the original application. The additional support is being provided so that the Examiner may proceed with examination of the application without further delay and without further objection.

| <u>Claim Number</u> | <u>Support from the Specification and Drawings</u> | <u>Figures</u> |
|---------------------|---|----------------|
| 35 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 36 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 37 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 38 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 39 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 40 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 41 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 42 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 43 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 44 | Col. 2, lines 53-56; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 45 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 46 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 47 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 48 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 49 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 50 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 51 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 52 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 53 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 54 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 55 | Col. 2, lines 53-56; Col. 3, lines 2-6; Col. 3, line 42 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 56 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 57 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 58 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 59 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 60 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 61 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |
| 62 | Col. 2, lines 53-56; Col. 3, line 40 - Col. 4, line 3; Col. 4, lines 11-26 | 1; 2 |

Uber, III et al. – Serial No. 09/545582 – Atty. Dkt. No. 071419/0272813**The Supplemental Amendment Dated May 13, 2002**

In the Supplemental Amendment dated May 13, 2002, none of the claims were amended. Claims 63-78 were added by that amendment.

In the remarks to the Supplemental Amendment dated May 13, 2002, the Applicant did not specifically identify support for the new claims in specification, drawings, or original claims, since support for those claims may be found throughout the application, as indicated in the Second Preliminary Amendment dated May 24, 2000. The Examiner did not object to this amendment.

Although the Examiner did not object to this amendment, the following recitation of support for the claims is provided to address prophylactically the Examiner's communication dated September 7, 2004. It is respectfully submitted that the recitation of support for these claims, as presented below, is not intended to present every instance where the claims are supported by the original application. The support is being provided in anticipation of an objection to these claims so that the Examiner may proceed with examination of the application without further delay and without further objection.

| <u>Claim Number</u> | <u>Support from the Specification and Drawings</u> | <u>Figures</u> |
|----------------------------|--|-----------------------|
| 63 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 64 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 1-17 | 1; 2 |
| 65 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 66 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-21 | 1; 2 |
| 67 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 68 | Col. 2, lines 53-56; Col. 3, lines 3-6; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 69 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 70 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 71 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 1-17 | 1; 2 |
| 72 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 73 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-21 | 1; 2 |
| 74 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 75 | Col. 2, lines 53-56; Col. 3, lines 40-46; Col. 4, lines 3-17 | 1; 2 |
| 76 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 77 | Col. 2, lines 53-56; Col. 3, lines 3-6; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 78 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |

Uber, III et al. – Serial No. 09/545582 – Atty. Dkt. No. 071419/0272813**The Second Supplemental Amendment Dated September 30, 2002**

In the Second Supplemental Amendment dated September 30, 2002, claim 9 was amended. Claims 79-116 were added by that amendment.

In the remarks to the Second Supplemental Amendment dated September 30, 2002, the Applicant did not specifically identify support for the new claims in specification, drawings, or original claims, since support for those claims may be found throughout the application, as indicated in the Second Preliminary Amendment dated May 24, 2000. This resulted in the mailing of the Examiner's communication dated September 7, 2004.

In response to that communication, therefore, support for new claims 79-116 is provided below. It is respectfully submitted that the recitation of support for these claims, as presented below, is not intended to present every instance where the claims are supported by the original application.

| <u>Claim Number</u> | <u>Support from the Specification and Drawings</u> | <u>Figures</u> |
|----------------------------|---|-----------------------|
| 79 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 80 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 81 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 82 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 83 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 84 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 85 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 86 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 17 | 1; 2 |
| 87 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 88 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 89 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 90 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 91 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 92 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 93 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 94 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 95 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 96 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 97 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 98 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |

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| | | |
|-----|--|------|
| 99 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 100 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 101 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 102 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 103 | Col. 2, lines 53-56; Col. 3, lines 3-6; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 104 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 105 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 106 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 107 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 108 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 109 | Col. 2, lines 53-56; Col. 3, lines 2-3; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 110 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 111 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 112 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 113 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 114 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 115 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |
| 116 | Col. 2, lines 53-56; Col. 3, lines 40 - Col. 4, line 21 | 1; 2 |

In addition the Applicant respectfully points out that support for the amendment to claim 9 may be found at least in col. 4, lines 1-10, and in Figs. 1 and 2 of the application.

In the Communication from the Examiner dated September 7, 2004, the Examiner objected to the Second Supplemental Amendment dated September 30, 2002 for two reasons. First, the Examiner noted that claim 9 failed to comply with 37 C.F.R. § 1.173(b)(2) because it did not include a parenthetical expression. Second, the Examiner objected to the amendment, under 37 C.F.R. § 1.173(c), since support for the new claims had not been identified, as discussed above.

In response, the Applicant now presents claim 9 with a parenthetical expression and identifies support for all of the new claims added since this application was filed. Accordingly, the Applicant respectfully submits that the claims are in condition for further examination.

To facilitate entry of this Second Supplemental Amendment (Third Revision), the Applicant presents all of the claims that are now pending. Changes to claim 9 and new claims 79-116 are presented in bracketed and underlined format as required by 37 C.F.R. §

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1.173(d)(1) and 37 C.F.R. § 1.173(d)(2). Accordingly, the Applicant believes that the objections set forth in the Communication dated September 7, 2004 have been fully addressed.

The remarks presented below were originally presented in the Second Supplemental Amendment dated September 30, 2002, and are re-presented herein without alteration.

Claim 9 has been amended. Claims 79-116 have been added. Accordingly, after entry of this Second Supplemental Amendment, claims 1-116 will be pending.

This Amendment is being presented specifically to alter the scope of claim 9. In addition, new claims are being added.

Claim 9 has been amended to recite, in combination with other features, a “power source.” At least for the reasons provided by the Applicants in previous submissions to the Office, including the May 21, 2001 Amendment, the Applicants respectfully submit that the amendments to claim 9 further distinguish claim 9 from the references of record. So as not to clutter the record, the Applicants incorporate the remarks in the May 21, 2001 Amendment herein and rely (at least in part) on those remarks to support the patentability of the claim 9. The Applicants respectfully submit that the claims that depend from claim 9 are also further distinguishable from the prior art at least for the same reasons.

The Applicants respectfully submit that claims 79-98 are patentable over the prior art, because they depend from claims that are patentable thereover at least for the reasons provided by the Applicants in previous submissions to the Office, including the May 21, 2001 Amendment. In particular, certain of claims 79-98 positively recite “a power source.” Others of these claims qualify the power source already recited by the claims from which they depend. The claims are intended to cover any type of power source, including a rechargeable battery.

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In addition, the Applicants respectfully submit that claims 99-105 are patentable over the prior art cited by the Examiner because they recite a patient infusion system combining, among other features, a control link between the first control unit and the second control unit, the control link being adapted to be substantially non-reactive with the magnetic resonance imaging system. The combination of these features, among others is not described or rendered obvious by the prior art of record.

Claims 106 through 116 are modified versions of claims 13-21, 35, and 54. The Applicants present claims 106-116 to expand the coverage of the invention *vis-à-vis* claims 13-21, 35, and 54. Claims 106-116 differ from claims 13-21, 35, and 54, because they recite, among other features, that various elements of the patient infusion system are substantially non-reactive with the imaging apparatus. The Applicants respectfully point out that claims 13-21, 35, and 54 indicate that the elements are substantially non-reactive with an electromagnetic field or a magnetic field of the imaging apparatus. The absence of the terms “electromagnetic” and “magnetic” in claims 106-116 is intended to clarify that the scope of the claims so that they encompass devices where interference with the imaging apparatus is minimized, regardless of the type of interference. The Applicants respectfully submit that these claims are patentable over the references of record at least for the reasons that the Applicants previously submitted to the Office.

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If there are any fees required for the submission of this Amendment that are not otherwise accounted for, please charge our Deposit Account No. 03-3975 and refer to Invoice No. 071419/0272813.

Respectfully submitted,

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